

## REMARKS

In view of the above amendments and the following remarks, reconsideration is requested.

By this amendment, claims 36-41 have been canceled in favor of new claims 42-47.

Support for the new claims can be found at least at: column 43, lines 12-15; Fig. 137 (particularly ECC 744a); and Fig. 160.

Claims 36-41 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,256,357 in view of Farias and Fazel. This rejection is traversed and is inapplicable to new claims 42-47 for the following reasons.

Each of the independent claims is drawn to a signal transmission and/or receiving apparatus or method for transmitting and/or receiving a PSK or QAM modulated signal having information of a first data stream and a second data stream. Claim 1-5 of U.S. Patent 6,256,357 do not recite such apparatuses or methods, and the cited Farias and Fazel references do not disclose or suggest such apparatuses or methods.

Independent claims 42, 43, 45, and 46 also recite signal transmission apparatuses or methods comprising Reed-Solomon encoding of a second data stream to produce a Reed-Solomon encoded data stream, as well as modulation of a first data stream, without Reed-Solomon encoding, to an m-level PSK or QAM modulated signal, and modulation of the Reed-Solomon encoded data stream to an n-level PSK or QAM modulated signal. Claim 1-5 of U.S. Patent 6,256,357 do not recite such apparatuses or methods, and the cited Farias and Fazel references do not disclose or suggest such apparatuses or methods.

Independent claims 44 and 47 recite a signal receiving apparatus or method, respectively, comprising demodulation of an m-level PSK or QAM modulated signal to a first data stream having data for demodulating a second data stream and demodulation of an n-level PSK or QAM modulated signal to a demodulated data stream, wherein the first data stream is not Reed-Solomon encoded and the demodulated data stream being Reed-Solomon encoded. Claims 44 and 47 further recite that the demodulated data stream is reproduced according to the data for

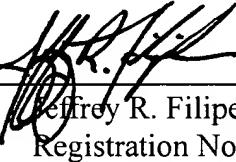
demodulating the second data stream, and that the demodulated data stream is Reed-Solomon decoded to the second data stream. Claim 1-5 of U.S. Patent 6,256,357 do not recite such apparatuses or methods, and the cited Farias and Fazel references do not disclose or suggest such apparatuses or methods.

In view of the above, it is submitted that the apparatuses and methods of claims 42-47 would not result from any obvious combination of the claims of U.S. Patent 6,256,357 and any of the prior art of record, including Farias and Fazel.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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